

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-CV-329-GKF(SAJ)
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

**STATE OF OKLAHOMA'S AGREED APPLICATION
FOR RULING GRANTING MOTION FOR STAY**

Expedited consideration requested.

COMES NOW, the Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter "the State") and, respectfully asks the Court to grant its Motion for Stay [DKT # 1660] under the agreed terms set forth herein, staying the obligation to comply with the production obligations of the Magistrate Judge's Order [DKT # 1463] granting the motion to compel of Peterson Farms and to the Order [DKT # 1629] denying reconsideration. In support of this Motion, the State shows the Court as follows:

1. Pursuant to the orders of the Magistrate Judge, the State is currently required to produce to Defendant Peterson Farms, Inc. (Peterson) certain documents for which the State claims attorney-client privilege and work-product protection and certain revised privilege logs on May 5, 2008. These orders are the subject of the State's Objection [DKT # 1659] and Motion to Stay [DKT # 1660] filed on March 27, 2008.

2. The current due date is the result of the Court's order of April 2, 2008 [DKT # 1664], granting an extension of time. The State requests that the Court grant its Motion for Stay herein under the terms set forth below, which Peterson no longer opposes,.

3. The State's Objection [DKT # 1659] and Motion to Stay [DKT # 1660] recite the State's basis for its belief that it should not be required to make the productions required by the Magistrate Judge's orders, based upon its claims of privilege and work-product protection. If the State must produce its privileged and protected documents before its Motion to Stay is ruled upon, both its Objection and its Motion to Stay will be rendered moot, and the State will be deprived of any opportunity for meaningful review of the Magistrate Judge's orders, and will be prejudiced as a result.

4. While the Court's order of April 2, 2008 [DKT # 1664] found the State's Motion for Stay [DKT # 1660] is moot, presumably in light of the grant of additional time within which to produce documents, the State respectfully suggests that, given the continued dispute which is the subject of the State's Objection [DKT # 1659], and the agreement of the parties recited herein, the Court consider and grant the Motion for Stay.

5. Counsel for the State has requested counsel for Peterson agree to the entry of a stay based upon the State's Motion for Stay [DKT # 1660]. After conferring, counsel for Peterson and for the State agree to the entry of a stay of compliance with the Magistrate Judge's orders pending a ruling on the State's Objection and for a period of ten days thereafter. Any further stay after that time, if required, must be the subject of additional conference between the parties and an appropriate motion.

6. Granting this request will not impact the scheduled trial or other deadlines in this case.

7. A proposed order is being submitted pursuant to the ECF Policy Manual.

WHEREFORE, the State requests, with the agreement of Peterson, that the Court grant its Motion for Stay [DKT # 1660] staying the requirement of compliance with the Magistrate Judge's orders until such time as the Court rules on the State's Objection [DKT # 1659] and for ten days thereafter.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

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